

**IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF ATMOS ENERGY</b>	)	
<b>CORPORATION TO REVISE</b>	)	<b>TRA Docket No. 13-00111</b>
<b>PERFORMANCE BASED</b>	)	
<b>RATEMAKING MECHANISM RIDER</b>	)	
<b>IN TARIFF</b>	)	

**DISCOVERY REQUESTS OF ATMOS ENERGY CORPORATION  
TO TRA PARTY STAFF**

Atmos Energy Corporation respectfully submits these discovery requests to TRA Party Staff, to be answered in accordance with applicable law and the Procedural Schedule in this matter. In these requests, references to “you” (or derivatives thereof) refer to TRA Party Staff, the party to whom these requests are directed. References to the Affidavit of Pat Murphy, and the like, refer to the Affidavit of Pat Murphy filed in this matter on or about November 25, 2013.

1. Reference is made to Attachments A and C to the Affidavit of Pat Murphy. Quote verbatim and provide page and line citations to all passages from these documents that you contend make any reference to the deadband provision of the Atmos Performance Based Ratemaking tariff.
2. Please refer to CAPD’s Response to Staff discovery request number one filed on October 28, 2013, which states “negotiations in Docket No. 07-00225 did not include any discussion of the deadband.” Admit that this statement is correct. If you do not admit the truth of this statement, then identify as specifically as you are able all discussions of the deadband during the course of the negotiations in the 07-0225 Docket, and produce all documents that you contend evidence such discussions.
3. Admit that prior dockets have modified individual provisions of the Atmos Performance Based Ratemaking Tariff.
4. Admit that the affiliate rules provision of the Atmos Performance Based Ratemaking Tariff was modified in Docket No. 05-00253, the RFP procedure provisions were added

to the tariff in Docket No. 05-00253, and a provision expressly including asset management fees was added in Docket No. 11-00195.

5. Produce and separately identify all documents that support Ms. Murphy's contention that the deadband provisions of the Atmos Performance Based Ratemaking tariff were identified as an issue in Docket No. 07-00225, were litigated in that docket, or were or should have been addressed in connection with the settlement of that docket.
6. Admit that TRA Staff withdrew its intervention in Docket No. 05-00258 on Nov 20, 2006, and did not intervene in Docket No. 07-00225.
7. Admit that Ms. Murphy has no personal knowledge of any of the negotiations that occurred between the parties in Docket No. 07-00225. If your answer is anything other than an unqualified admission, explain the basis for Ms. Murphy's personal knowledge of such negotiations.
8. Admit that under the Atmos Performance Based Ratemaking tariff, Atmos cannot recover savings of more than the \$1.25 million annual cap no matter what the Authority decides about the tariff amendments requested in this docket.
9. For each of the past 10 years, and for each of the three regulated gas utilities (Piedmont, Atmos and Chattanooga Gas), state each utility's annual cap on total shared incentive savings, and state the bottom line amount of incentive savings recovered or retained by each company.
10. Quote verbatim all language from the August 6, 2013 Order in Docket No. 07-00225, the settlement agreement from that docket, and/or the Atmos tariff that you contend would bring the deadband reset provision within the scope of the triennial review.
11. Admit that that there is no mention of the deadband provisions of the Atmos Performance Based Ratemaking tariff in any issues list from Docket 07-00225.
12. Admit that the Atmos Performance Based Ratemaking tariff contains provisions allowing for modification, with Authority approval.
13. Admit that Chattanooga Gas Company ("CGC"), Piedmont Natural Gas ("PNG"), and Atmos each have in the past requested modifications to their performance based ratemaking tariffs, which modifications have been approved by the Authority.
14. Admit that PNG's incentive plan once contained a 1% deadband (99% to 101%), and that this deadband has been eliminated from the PNG tariff.
15. Admit that Atmos's annual filings under its performance based ratemaking plan have included the NORA "delivered supply contract" in calculating shared savings since the 2001 plan year, and that the TRA Staff's audits of those calculations have made no recommendation related thereto.

16. Produce all correspondence, e-mails, and other documents reflecting any communication between Pat Murphy and any TRA Director, Staff, TRA employee or outside party concerning this docket. Communications between Ms. Murphy and her counsel, Shiva Bozarth, are excluded from this request.
17. Provide the date, identify the participants, and detail the contents of each communication between Pat Murphy and any TRA Director, Staff, TRA employee or outside party concerning this docket. Communications between Ms. Murphy and her counsel, Shiva Bozarth, are excluded from this request.
18. Identify each TRA docket in which there have been modifications to the performance based rate mechanism tariff for a TRA-regulated Tennessee gas utility, and describe the tariff modification(s) approved in each docket. Please note all instances in which modifications have been made to the tariffs outside of a triennial review.
19. Admit that the elimination of PNG's deadband pre-dated PNG's first triennial review procedure.
20. Admit that contracts like the NORA contract avoid upstream interstate pipeline demand charges that would flow through the PGA.
21. Admit that in at least one prior docket, Pat Murphy submitted testimony opposing Atmos Energy's sharing of upfront asset management fees under its performance based ratemaking plan.
22. Admit that Ms. Murphy's position opposing Atmos Energy's sharing of upfront asset management fees under its performance based ratemaking plan was overruled by the Authority, and Atmos was ultimately allowed to share in those upfront asset management fees despite Ms. Murphy's objections.
23. Admit that Atmos could replace its "delivered supply contracts" with upstream interstate pipeline supply contracts, at increased cost to ratepayers.
24. If your response to any request for admission is anything other than an unqualified admission, explain the bases and reasons for your response.

Respectfully submitted,

**NEAL & HARWELL, PLC**

By: 

A. Scott Ross, #15634  
2000 One Nashville Place  
150 Fourth Avenue, North  
Nashville, TN 37219-2498  
(615) 244-1713 – Telephone  
(615) 726-0573 – Facsimile

*Counsel for Atmos Energy Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served, via the method(s) indicated below, on the following counsel of record, this the 17th day of December, 2013.

<input type="checkbox"/> Hand	Joe Shirley, Esq.
<input checked="" type="checkbox"/> Mail	Office of Attorney General
<input type="checkbox"/> Fax	Consumer Advocate and Protection Division
<input type="checkbox"/> Fed. Ex.	425 Fifth Avenue, North, 3 <sup>rd</sup> Floor
<input checked="" type="checkbox"/> E-Mail	P. O. Box 20207
	Nashville, TN 37202-4015

<input type="checkbox"/> Hand	Shiva K. Bozarth, Esq.
<input checked="" type="checkbox"/> Mail	Legal Counsel
<input type="checkbox"/> Fax	Tennessee Regulatory Authority
<input type="checkbox"/> Fed. Ex.	Andrew Jackson State Office Building, 4 <sup>th</sup> Floor
<input checked="" type="checkbox"/> E-Mail	500 Deaderick Street
	Nashville, TN 37242

